

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2012-147830-001 DT

07/25/2013

HONORABLE ROBERT L. GOTTSFIELD

CLERK OF THE COURT
D. Courtemanche
Deputy

STATE OF ARIZONA

HUMBERTO R PRECIADO III

v.

ANN ERGENBRIGHT THOMAS (001)
DOB: 10/02/1957

CINDY CASTILLO

APO-SENTENCINGS-CCC
APPEALS-CCC
DISPOSITION CLERK-CSC
RFR

SUSPENSION OF SENTENCE - PROBATION GRANTED

9:05 a.m.

Courtroom CCB-803

State's Attorney:	Michelle Vaitkus
Defendant's Attorney:	Cindy Castillo
Defendant:	Present
Court Reporter:	Renee Mobley

Count(s) 3: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 3: Aggravated Driving or Actual Physical Control While Under the Influence of Intoxicating Liquor or Drugs
Class 4 Felony

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A.R.S. § 28-1381(A)(1), 1383(A)(4), 3001, 3304, 3305, 3315, 13-701, 702, 801

Date of Offense: 06/27/2012

Non Dangerous - Non Repetitive

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the Defendant on probation for:

Count 3 Probation Term: 2 years

To begin 07/25/2013.

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8 - Request and obtain written permission of the APD prior to leaving the state.

Condition 9 - May apply for Interstate Compact supervision in the state of Colorado and will not proceed to that state until reporting instructions are received and the APD issues a written travel permit.

Condition 15: Restitution, Fines and Fees:

FINE: Count 3 - Total amount of \$1,380.00, which includes surcharges of 84%, payable \$50.00 per month beginning 11/01/2013.

REIMBURSEMENT: Count 3 - \$500.00 payable \$50.00 per month, beginning 11/01/2013.

DUI ABATEMENT FUND: Count 3 - \$250.00, payable \$25.00 per month, beginning 11/01/2013.

DUI INCARCERATION COST: Count 3 - \$175.00, payable \$10.00 per month, beginning 11/01/2013.

PRISON CONSTRUCTION & OPERATIONS FUND: Count 3 - \$1,500.00, payable \$25.00 per month, beginning 11/01/2013.

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STATE GENERAL FUND: Count 3 - \$1,500.00, payable \$25.00 per month, beginning 11/01/2013.

PROBATION SURCHARGE: Count 3 - \$20.00 payable on 11/01/2013.

Count 3: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00 payable on 20.00.

INTERSTATE COMPACT APPLICATION FEE: Count 3 - \$300.00, payable in full at the time of submission of the application.

PENALTY ASSESSMENT - A.R.S. §12-116.04: Count 3 - \$13.00 payable on 11/01/2013.

Investigative Agency:

Phoenix Police Department

All amounts payable through the Clerk of the Superior Court.

RESTITUTION: IT IS ORDERED the State is to provide Defense counsel notification of any claims within 60 days of this date. Counsel are to inform this Court within 90 days of this date of any restitution either by stipulation or request for a hearing and that the State notify the Victim Service Unit of the Adult Probation Department so that they may facilitate restitution efforts.

Condition 16 - Not consume or possess any substances containing alcohol.

Condition 17 - Count 3: Complete a total of 30 hours of community restitution. Complete a set number of hours per month as directed in writing by APD. Complete hours at a site approved by the APD.

Condition 18 - Count 3: Be incarcerated in the county jail for 30 day(s), beginning 07/26/2013 with credit for 0 day(s) served.

Not to be released until 08/25/2013.

Report to the APD within 72 hours of release from jail. Comply with all program rules.

Defendant shall participate in Work Furlough.

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The Defendant is to self-surrender to the jail on 07/26/2013 at 8:30 a.m. The Court recommends the Defendant be allowed to participate in the work furlough program from 8:30 a.m. - 8:30 p.m. six days per week. The plea agreement does not allow for work release.

Condition 22: Other - Participate in the MADD Victim Impact Panel.

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion to Dismiss the following: Counts 1, 2 and 4.

Count(s) 3: IT IS ORDERED Defendant self-surrender to the custody of the Maricopa County Sheriff and authorizing the Sheriff to carry out the term of incarceration.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

IT IS ORDERED the Defendant's driving privileges shall be revoked and the Defendant shall pay for the costs of installing a certified ignition interlock device if and when driving privileges are reinstated.

9:36 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/ s / HONORABLE ROBERT L. GOTTSFIELD

JUDICIAL OFFICER OF THE SUPERIOR COURT

(right index fingerprint)